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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,382	10/20/2001	Louis I. Memran	765	2795
27353 7590 10/15/2009 MELVIN K. SILVERMAN AND ASSOCS PC 500 WEST CYPRESS CREEK ROAD SUITE 350 FT. LAUDERDALE, FL 33309			EXAMINER MEI, XU	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/15/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/002,382	MEMRAN, LOUIS I.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Xu Mei	2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/> Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date: _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|---|

### **DETAILED ACTION**

1. This communication is responsive to the applicant's arguments and affidavits dated 10/20/2006.
2. The Examiner apologizes for the inadvertent paper mixed up by the office that caused the delay of action for this case.

### ***Response to Arguments***

3. Applicant's arguments, see Arguments/Remarks and Affidavits, filed 10/20/2006, with respect to the final rejection(s) of claim(s) 1-10 under **35 USC § 102** have been fully considered and are persuasive. Therefore, the final rejection of 08/23/2006 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sugano (JP 09307386 A) and Butler (US-5,343,159).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano (JP 09307386 A) in view of Butler (US-5,343,159).

Regarding claims 1, 3, 5 and 8, Sugano discloses a vacuum tube circuitry (see Fig. 1) comprising: at least one vacuum tube (13) having an input and an output; an analog output signal from a sound card (computer control signal from a microcomputer 23, i.e., sound card) being input into the at least one vacuum tube 13, and output of the at least one vacuum tube being connected to an external device (output 14). What's not taught by Sugano is a dc to dc voltage converter supplying high voltage to the vacuum tube.

Butler discloses a hybrid audio amplifier that including vacuum tube and a solid state circuitry that including a DC to DC voltage converter supplying high voltage to the vacuum tube (see col. 3, lines 6-48). It would have been obvious to one of ordinary skill in the art to utilizing the DC voltage converter of Butler in order to supplying sufficient high voltage to the vacuum tube of Sugano.

The microcomputer 23 of Sugano would have inherently including a sound card for processing audio control signals to control equalizer and volume of audio signals as shown in Fig. 1. And this would have met the intended to use of this audio tube with computer audio circuitry as claimed.

Regarding claims 2, 4, 7 and 10, the power supply for vacuum tube is including a heater that supplied from a common power supply using suitable voltage regulator as shown by Butler; and the power supply for the vacuum tube circuitry would have been

supplied by computer power supply of Sugano when considered in combinations with Butler.

Regarding claims 6 and 9, the sound chip for the computer typically had a digital input/output connected to a motherboard of the computer when the tube card is being in used with the computer of Sugano.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xu Mei/  
Primary Examiner, Art Unit 2614  
10/13/2009